



NATIONAL CLEARINGHOUSE ON CHILD
ABUSE AND NEGLECT INFORMATION
330 C Street, SW
Washington, DC 20447
(703) 385-7565
Outside Metropolitan Area: (800) FYI-3366
<http://www.calib.com/nccanch>

Child Abuse and Neglect State Statutes Series

Compendium of Laws

Definitions of Domestic Violence



U.S. DEPARTMENT OF HEALTH AND
HUMAN SERVICES
Administration for Children and Families
Administration on Children, Youth and Families
Children's Bureau

2002

This publication is one of the series **Child Abuse and Neglect State Statutes Series: Compendium of Laws**, which is produced by the National Clearinghouse on Child Abuse and Neglect Information. The Clearinghouse is a service of the Children's Bureau, Administration for Children and Families, U.S. Department of Health and Human Services.

The **Compendium of Laws** presents citations and text of State laws on different topics related to child maltreatment reporting laws, central registries, permanency planning and domestic violence. While every attempt has been made to be as complete as possible, additional information on these topics may be in other sections of a State's code as well as in agency regulations, case law, and informal practices and procedures. Readers interested in interpretation of specific statutory provisions within an individual jurisdiction should consult with professionals within the State familiar with the statutes' implementation.

The Adoption and Safe Families Act of 1997 (P.L. 105-89) amended title IV-E of the Social Security Act in an effort to provide added safety and permanency for children in foster placement. The Act clarified the reasonable efforts requirements and mandated shorter timelines for making permanency decisions. The publications included in the **Compendium of Laws: Permanency Planning** focus State statutory provision for State agency and court procedures for meeting reasonable efforts requirements, defining grounds for termination of parental rights, case planning and scheduling of permanency hearings, and the options for permanent placements for children in out-of-home care.

Electronic copies of this publication may be downloaded from the Clearinghouse Web site, located on the Internet at the URL listed below. To purchase print copies of this publication or for more information about the **Child Abuse and Neglect State Statutes Series**, contact the Clearinghouse at:

National Clearinghouse on Child Abuse and Neglect Information
330 C Street, SW
Washington, DC 20447
1-800-FYI-3366
E-mail: statutes@calib.com
Web site: <http://www.calib.com/nccanch/statutes/index.cfm>

We welcome your comments and suggestions about this publication.

Definitions of Domestic Violence¹

Although the statutes governing juvenile or family court and the mandatory reporting of child maltreatment are the primary laws that protect abused and neglected children, the majority of States are moving toward greater protection of children by specifically including child victims in their domestic violence definitions. Of the 50 States and the District of Columbia, in which all have enacted legislation defining domestic violence,² approximately³ 43⁴ jurisdictions recognize children as a class of persons intended to be protected by the legislation.

Within these States, statutory provisions identify which particular children are protected from abusive behavior. The majority of States require that a special relationship exist between the child victim and the perpetrator. For example, some States include a minor child of a household member when the defendant is an adult household member, while others include a child of a spouse, a child of a respondent, or any child of a party. A few States extend protection to any child residing in the household. Certain jurisdictions also specifically include foster children, stepchildren, and grandchildren. Many jurisdictions just specify that children are covered. Although not explicitly listing children as persons intended to be protected, some additional States cover household members related by blood or marriage, persons residing in the same household, and persons living in the same domicile.

Domestic violence definitions also identify the prohibited abusive conduct committed toward children. Such behavior usually includes physical, sexual, and emotional attacks against a child. It may also involve stalking, threatening, harassing and placing a child in fear of physical harm. Many States, however, do not specify the amount or extent of violence required by the perpetrator. Under the plain language of some statutes, a single act of domestic violence can suffice.

A small number of States also provide exemptions in their definitions of domestic violence. These States have exempted certain acts or omissions from their statutory definitions. The most common exemptions are in the areas of corporal punishment and self-defense. For example, in several jurisdictions, corporal discipline of a child by a parent or guardian for disciplinary purposes does not constitute domestic violence when the discipline is reasonable.

¹ The State Statutes Compendium of Laws contain excerpts from specific sections of each State's code. While every attempt has been made to be as complete as possible, additional information on these topics may be in other sections of a State's code as well as in agency regulations, case law, and informal practices and procedures.

² There are various places in State statutory provisions where domestic violence is defined. Such provisions include statutes governing criminal behavior, family/domestic relations, judicial proceedings, social services, insurance, etc.

³ The word *approximately* is used to stress the fact that statutes are constantly being revised and updated.

⁴ This product is limited to domestic violence definitions relating to family/domestic relations.

**Legislation Regarding
Definitions of Domestic Violence**
(Current through April 30, 2002)

Alabama	Ala. Code § 30-6-1(1) (WESTLAW through 1999 2 nd Spec. Sess.) Ala. Code § 15-10-3(b)(3), (b)(4) (WESTLAW through 2000 Reg. Sess.)
Alaska	Alaska Stat. § 18.66.990(3), (5) (Lexis, WESTLAW through 2000 3 rd Spec. Sess.)
Arizona	Ariz. Rev. Stat. Ann. § 13-3601(A) (West, WESTLAW through 2001 1 st & 2 nd Spec. Sess.)
Arkansas	Ark. Code § 9-15-103 (WESTLAW through 2001 Reg. Sess.)
California	Cal. Fam. Code § 6203 (West, WESTLAW through 1999 portion of 1999-2000 Reg. Sess. & 1 st Ex. Sess.) Cal. Fam. Code § 6211 (West, WESTLAW through 1999 portion of 1999-2000 Reg. Sess. & 1 st Ex. Sess.)
Colorado	Colo. Rev. Stat. Ann. § 14-14-101(2) (West, WESTLAW through 2000 2 nd Reg. Sess.)
Connecticut	Conn. Gen. Stat. Ann. § 46b-38a(1), (2) (West, WESTLAW through 1-1-2000)
Delaware	Del. Code Ann. tit. 13, § 703A (WESTLAW through 1999 1 st Spec. Sess.)
District of Columbia	D.C. Code Ann. § 16-1001(4)-(5) (WESTLAW through 10-2-01)
Florida	Fla. Stat. Ann. § 741.28(2), (3) (West, WESTLAW through Fla. 2002 Legis. Serv., Ch. 2002-55)
Georgia	Ga. Code Ann. § 19-13-1 (WESTLAW through 1999 Gen. Assem.)
Hawaii	Haw. Rev. Stat. Ann. § 586-1 (Lexis, WESTLAW through 2001 3 rd Spec. Sess.)
Idaho	Idaho Code § 39-6303(1)-(5) (Lexis, WESTLAW through Idaho 2002 Legis. Serv., Ch. 331)
Illinois	750 Ill. Comp. Stat. Ann. 60/103(1), (3), (6), (9), (10), (15) (West, WESTLAW through 2002 P.A. 92-533)
Indiana	Ind. Code Ann. § 31-9-2-42 (West, WESTLAW through Ind. 2002 Legis. Serv., P.L. 133-2002) Ind. Code Ann. § 31-9-2-44.5 (West, WESTLAW through Ind. 2002 Legis. Serv., P.L. 133-2002)

Iowa	Children not covered under statutes reviewed
Kansas	Children not covered under statutes reviewed
Kentucky	Ky. Rev. Stat. Ann. § 403.720 (West, WESTLAW through 1998 Reg. Sess.)
Louisiana	La. Rev. Stat. Ann. § 9:362(3) (West, WESTLAW through 2001 Reg. & 2 nd Ex. Sess. La. Rev. Stat. Ann. § 46:2132(3)-(4) (West, WESTLAW through 2001 Reg. & 2 nd Ex. Sess.)
Maine	Me. Rev. Stat. Ann. tit. 19-A, § 4002(1), (4) (West, WESTLAW through 1999 1 st Reg. Sess.)
Maryland	Md. Code Ann. Fam. Law § 4-501(b), (d) (Lexis, WESTLAW through 1999 Reg. Sess.) Md. Code Ann. Fam. Law § 4-513 (Lexis, WESTLAW through 2001 Reg. Sess.)
Massachusetts	Mass. Gen. Laws Ann. ch. 209A, § 1 (West, WESTLAW through 1999 1 st Ann. Sess.)
Michigan	Mich. Comp. Laws Ann. § 400.1501(b), (d), (e) (West, WESTLAW through 2002 Reg. Sess.)
Minnesota	Minn. Stat. Ann. § 518B.01 Subd. 2 (West, WESTLAW through 2001 1 st Sp. Sess.)
Mississippi	Miss. Code Ann. § 93-21-3(a), (d), (e) (West, WESTLAW through End of 2001 2 nd Ex. Sess.)
Missouri	Children not covered under statutes reviewed
Montana	Mont. Code Ann. § 45-5-206(1)-(2) (WESTLAW through 2001 Reg. Sess.)
Nebraska	Neb. Rev. Stat. § 42-903(1), (3) (WESTLAW through 1999 1 st Reg. Sess.)
Nevada	Nev. Rev. Stat. Ann. § 33.018 (WESTLAW through 2001 Reg. Sess.)
New Hampshire	Children not covered under statutes reviewed
New Jersey	Children not covered under statutes reviewed
New Mexico	N.M. Stat. Ann. § 40-13-2(A), (C), (D) (Michie, WESTLAW through 2001 1 st Reg. Sess.)
New York	N.Y. Soc. Serv. Law § 459-a(1)-(2) (West, WESTLAW through L. 2002)

North Carolina	N.C. Gen. Stat. § 50B-1 (West, WESTLAW through 2001 Reg. Sess.)
North Dakota	N.D. Cent. Code § 14-07.1-01 (Lexis, WESTLAW through 1999 Reg. Sess.)
Ohio	Ohio Rev. Code Ann. § 3113.31(A) (1), (3), (4) (West, WESTLAW through 2000 Files 124, 128, 129, 131 to 133, & 135 to 248)
Oklahoma	Okla. Stat. Ann. tit. 21, § 644(c) (West, WESTLAW through 2001 1 st Ex. Sess.)
Oregon	Children not covered under statutes reviewed
Pennsylvania	23 Pa. Cons. Stat. Ann. § 6102(a) (West, WESTLAW through 2001 Reg. Sess.)
Rhode Island	R.I. Gen. Laws § 15-15-1(2)-(5) (WESTLAW through 2001 Reg. Sess.)
South Carolina	S.C. Code Ann. § 20-4-20(a), (b) (WESTLAW through 1999 Reg. Sess. & Ex. Sess.)
South Dakota	S.D. Codified Laws § 25-10-1(1), (2) (WESTLAW through 2000 Reg. Sess.)
Tennessee	Tenn. Code Ann. § 36-3-601(3) (WESTLAW through 2001 Reg. Sess.)
Texas	Tex. Fam. Code Ann. § 71.004 (West, WESTLAW through 2001 Reg. Sess.) Tex. Fam. Code Ann. § 71.003 (West, WESTLAW through 2001 Reg. Sess.) Tex. Fam. Code Ann. § 71.005 (West, WESTLAW through 1999 Reg. Sess.) Tex. Fam. Code Ann. § 71.006 (West, WESTLAW through 1999 Reg. Sess.)
Utah	Utah Code § 30-6-1(1)-(3) (Lexis, WESTLAW through 2001 1 st Spec. Sess.) Utah Code § 76-5-109.1(1)-(2) (West, WESTLAW through Utah 2002 Legis. Serv., Ch. 81) Utah Code § 77-36-1 (West, WESTLAW through Utah 2002 Legis. Serv., Ch. 81)
Vermont	Vt. Stat. Ann. tit. 15, § 1101(1), (2) (WESTLAW through 2001 Reg. Sess.)
Virginia	Va. Code Ann. § 16.1-228 (Lexis, WESTLAW through 1999 Reg. Sess.)

Definitions of Domestic Violence

Washington	Wash. Rev. Code Ann. § 26.50.010(1)-(3) (West, WESTLAW through 1999 1 st Spec. Sess.)
West Virginia	W. Va. Code § 48-27-202 (West, WESTLAW through 2001 6 th Ex. Sess.) W. Va. Code § 48-27-204 (West, WESTLAW through W. Va. 2002 Legis. Serv., Ch. 102)
Wisconsin	Children not covered under statutes reviewed
Wyoming	Children not covered under statutes reviewed

**Summary of Legislation Regarding
Definitions of Domestic Violence
(Current through April 30, 2002)**

ALABAMA

DEFINITIONS

Ala. Code § 30-6-1(1) (WESTLAW through 1999 2nd Spec. Sess.)

“**Abuse**” includes any offense under §§ 13A-6-60 to 13A-6-70,⁵ inclusive, or under §§ 26-15-1 to 26-15-4,⁶ inclusive, occurring among family, household, dating or engagement relationship members.

Ala. Code § 15-10-3(b)(3), (b)(4) (WESTLAW through 2000 Reg. Sess.)

“**Family, household, or dating or engagement relationship members**” includes a spouse, former spouse, parent, child, or any other person related by marriage or common law marriage, a person with whom the victim has a child in common, a present or former household member, or a person who has or had a dating or engagement relationship.

“**Domestic violence**” includes any incident resulting in the abuse, assault, harassment, or the attempt or threats thereof, between family, household, or dating or engagement relationship members.

ALASKA

DEFINITIONS

Alaska Stat. § 18.66.990(3), (5) (Lexis, WESTLAW through 2000 3rd Spec. Sess.)

“**Domestic violence**” and “**crime involving domestic violence**” mean one or more of the following offenses or an offense under a law or ordinance of another jurisdiction having elements similar to these offenses, or an attempt to commit the offense, by a household member against another household member:

- A crime against the person under AS 11.41;
- Burglary under AS 11.46.300-11.46.310;
- Criminal trespass under AS 11.46.320-11.46.330;
- Arson or criminally negligent burning under AS 11.46.400-11.46.430;
- Criminal mischief under AS 11.46.480-11.46.486;
- Terroristic threatening under AS 11.56.810;
- Violating a domestic violence order under AS 11.56.740; or
- Harassment under AS 11.61.120(a)(2)-(4).

“**Household member**” includes:

- Adults or minors who are current or former spouses;
- Adults or minors who live together or who have lived together;

⁵ Sexual offenses involving danger to the person.

⁶ Child abuse generally.

- Adults or minors who are dating or who have dated;
- Adults or minors who are engaged in or who have engaged in a sexual relationship;
- Adults or minors who are related to each other up to the fourth degree of consanguinity, whether of the whole or half blood or by adoption, computed under the rules of civil law;
- Adults or minors who are related or formerly related by marriage;
- Persons who have a child of the relationship; and
- Minor children of a person in a relationship that is described above.

ARIZONA

DEFINITIONS

Ariz. Rev. Stat. Ann. § 13-3601(A) (West, WESTLAW through 2001 1st & 2nd Spec. Sess.)

“Domestic violence” means any act which is a dangerous crime against children as defined in § 13-604.01 or an offense defined in §§ 13-1201 through 13-1204 [endangerment, threatening or intimidating, assault or aggravated assault]; §§ 13-1302 through 13-1304 [custodial interference, unlawful imprisonment or kidnapping]; §§ 13-1502 through 13-1504 [1st, 2nd or 3rd degree criminal trespass] or 13-1602 [criminal damage]; § 13-2810 [interfering with judicial proceedings]; § 13-2904 [disorderly conduct]; § 13-2916 [use of telephone to terrify, intimidate, threaten, harass, annoy or offend]; §§ 13-1921, 13-2921.01 or 13-2923 [harassment, aggravated harassment or stalking]; § 13-3019 [surreptitious photographing or videotaping]; § 3601.02 [aggravated domestic violence]; or § 13-3623 [child or vulnerable adult abuse], if any of the following applies:

- The relationship between the victim and the defendant is one of marriage or former marriage or of persons residing or having resided in the same household;
- The victim and the defendant have a child in common;
- The victim or the defendant is pregnant by the other party;
- The victim is related to the defendant or the defendant’s spouse by blood or court order as a parent, grandparent, child, grandchild, brother or sister or by marriage as a parent-in-law, grandparent-in-law, stepparent, step-grandparent, stepchild, step-grandchild, brother-in-law or sister-in-law;
- The victim is a child who resides or has resided in the same household as the defendant and is related by blood to a former spouse of the defendant or to a person who resides or has resided in the same household as the defendant.

ARKANSAS

DEFINITIONS

Ark. Code § 9-15-103 (WESTLAW through 2001 Reg. Sess.)

“Domestic abuse” means:

- Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault between family or household members; or
- Any sexual conduct between family or household members, whether minors or adults, which constitutes a crime under the laws of this State.

“Family or household members” means spouses, former spouses, parents and children, persons related by blood within the fourth degree of consanguinity, any children residing in the household, persons who presently or in the past have resided or cohabited together, and persons who have or have had a child in common.

CALIFORNIA

DEFINITIONS

Cal. Fam. Code § 6203 (West, WESTLAW through 1999 portion of 1999-2000 Reg. Sess. & 1st Ex. Sess.)

“Abuse” means any of the following:

- Intentionally or recklessly to cause or attempt to cause bodily injury;
- Sexual assault;
- To place a person in reasonable apprehension of imminent serious bodily injury to that person or to another;
- To engage in any behavior that has been or could be enjoined pursuant to § 6320.⁷

Cal. Fam. Code § 6211 (West, WESTLAW through 1999 portion of 1999-2000 Reg. Sess. & 1st Ex. Sess.)

“Domestic violence” is abuse perpetrated against any of the following persons:

- A spouse or former spouse;
- A cohabitant or former cohabitant, as defined in § 6209;
- A person with whom the respondent is having or has had a dating or engagement relationship;
- A person with whom the respondent has had a child, where the presumption applies that the male parent is the father of the child to be protected under the Uniform Parentage Act;
- A child of a party or a child who is the subject of an action under the Uniform Parentage Act, where the presumption applies that the male parent is the father of the child to be protected;
- Any other person related by consanguinity or affinity within the second degree.

COLORADO

DEFINITIONS

Colo. Rev. Stat. Ann. § 14-4-101(2) (West, WESTLAW through 2000 2nd Reg. Sess.)

“Domestic abuse” means any act or threatened act of violence that is committed by any person against another person with whom the actor is a current or former relation, or with whom the actor is living or has lived in the same domicile, or with whom the actor is involved or has been involved in an intimate relationship.

⁷ *Ex parte* order enjoining contact.

CONNECTICUT

DEFINITIONS

Conn. Gen. Stat. Ann. § 46b-38a(1), (2) (West, WESTLAW through 1-1-2000)

“Family violence” means an incident resulting in physical harm, bodily injury or assault, or an act of threatened violence that constitutes fear of imminent physical harm, bodily injury, or assault between family or household members. Verbal abuse or argument shall not constitute family violence unless there is present danger and the likelihood that physical violence will occur.

“Family or household member” means:

- Spouses, former spouses;
- Parents and their children;
- Persons 18 years of age or older related by blood or marriage;
- Persons 16 years of age or older other than those person listed above presently residing together or who have resided together;
- Persons who have a child in common regardless of whether they are or have been married or have lived together at any time; and
- Persons in, or have recently been in, a dating relationship.

DELAWARE

DEFINITIONS

Del. Code Ann. tit. 13, § 703A (WESTLAW through 1999 1st Spec. Sess.)

“Domestic violence” includes, but is not limited to:

- Physical or sexual abuse or threats of physical or sexual abuse and any other offense against the person committed by one parent against the other parent, against any child living in either parent's home, or against any other adult living in the child's home.

“Perpetrator of domestic violence” means any individual who has been convicted of committing any of the following criminal offenses in the State, or any comparable offense in another jurisdiction, against the child at issue in a custody or visitation proceeding, against the other parent of the child, or against any other adult or minor child living in the home:

- Any felony level offense;
- Assault in the third degree;
- Reckless endangering in the second degree;
- Reckless burning or exploding;
- Unlawful imprisonment in the second degree;
- Unlawful sexual contact in the third degree; or
- Criminal contempt of Family Court protective order based on an assault or other physical abuse, threat of assault or other physical abuse or any other actions placing the petitioner in immediate risk or fear of bodily harm.

EXCEPTIONS

Del. Code Ann. tit. 13, § 703A(a)j(WESTLAW through 1999 1st Spec. Sess.)

Domestic violence does not include reasonable acts of self-defense by one parent for self-protection or in order to protect the child from abuse or threats of abuse by the other parent or other adult living in the child's home.

DISTRICT OF COLUMBIA

DEFINITIONS

D.C. Code Ann. § 16-1001(4)-(5) (WESTLAW through 10-2-01)

“Family member” includes any individual in the relationship described below.

“Intrafamily offense” means an act punishable as a criminal offense committed by an offender upon a person:

- To whom the offender is related by blood, legal custody, marriage, having a child in common, or with whom the offender shares or has shared a mutual residence; or
- With whom the offender maintains or maintained a romantic relationship not necessarily including a sexual relationship.

FLORIDA

DEFINITIONS

Fla. Stat. Ann. § 741.28(2), (3) (West, WESTLAW through Fla. 2002 Legis. Serv., Ch. 2002-55)

“Domestic violence” means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.

“Family or household member” means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same dwelling unit.

GEORGIA

DEFINITIONS

Ga. Code Ann. § 19-13-1 (WESTLAW through 1999 Gen. Assem.)

“Family violence” means the occurrence of one or more of the following acts between past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons living or formerly living in the same household:

- Any felony; or
- Commission of offenses of battery, simple battery, simple assault, assault, stalking, criminal damage to property, unlawful restraint, or criminal trespass.

EXCEPTIONS

Ga. Code Ann. § 19-13-1 (WESTLAW through 1999 Gen. Assem.)

Family violence shall not be deemed to include reasonable discipline administered by a parent to a child in the form of corporal punishment, restraint, or detention.

HAWAII

DEFINITIONS

Haw. Rev. Stat. Ann. § 586-1 (Lexis, WESTLAW through 2001 3rd Spec. Sess.)

“Domestic abuse” means:

- Physical harm, bodily injury, assault, or the threat of imminent physical harm, bodily injury, or assault, extreme psychological abuse or malicious property damage between family or household members; or
- Any act which would constitute an offense under 709-906,⁸ or under part V⁹ or VI¹⁰ of chapter 707 committed against a minor family or household member by an adult family or household member.

“Extreme psychological abuse” means an intentional or knowing course of conduct directed at an individual that seriously alarms or disturbs consistently or continually bothers the individual, and that serves no legitimate purpose; provided that such course of conduct would cause a reasonable person to suffer extreme emotional distress.

“Family or household member” means spouses or reciprocal beneficiaries, former spouses or former reciprocal beneficiaries, persons who have a child in common, parents, children, persons related by consanguinity, and persons jointly residing or formerly residing in the same dwelling unit, and persons who have or have had a dating relationship.

“Dating relationship” means a romantic, courtship, or engagement relationship, often but not necessarily characterized by actions of an intimate or sexual nature, but does not include a casual relationship or ordinary fraternization between persons in a business or social context.

IDAHO

DEFINITIONS

Idaho Code § 39-6303(1)-(5) (Lexis, WESTLAW through Idaho 2002 Legis. Serv., Ch. 331)

⁸ Abuse of family or household members.

⁹ Sexual offenses.

¹⁰ Child abuse.

“Domestic violence” means the physical injury, sexual abuse or forced imprisonment or threat thereof of a family or household member, or of a minor child by a person with whom the minor child has had or is having a dating relationship, or of an adult by a person with whom the adult has had or is having a dating relationship.

“Dating relationship” is defined as a social relationship of a romantic nature. Factors that the court may consider in making this determination include:

- The nature of the relationship;
- The length of time the relationship has existed;
- The frequency of interaction between the parties; and
- The time since the termination of the relationship, if applicable.

“Family member” means spouses, former spouses, and person related by blood, adoption or marriage.

“Family dwelling” is any premises in which the petitioner resides.

“Household member” means persons who reside or have resided together, and persons who have a child in common regardless of whether they have been married or have lived together at any time.

ILLINOIS

DEFINITIONS

750 Ill. Comp. Stat. Ann. 60/103(1), (3), (6), (9), (10), (15) (West, WESTLAW through 2002 P.A. 92-533)

“Domestic violence” means physical abuse, harassment, intimidation of a dependent, interference with personal liberty, or willful deprivation.

“Interference with personal liberty” means committing or threatening physical abuse, harassment, intimidation, or willful deprivation so as to compel another to engage in conduct from which she or he has a right to abstain or to refrain from conduct in which she or he has a right to engage.

“Intimidation of a dependent” means subjecting a person who is dependent because of age, health, or disability to participation in or the witnessing of physical force against another or physical confinement or restraint of another which constitutes physical abuse, regardless of whether the abused person is a family or household member.

“Willful deprivation” means willfully denying a person who because of age, health, or disability requires medication, medical care, shelter, accessible shelter or services, food, therapeutic device, or other physical assistance, and thereby exposing that person to the risk of physical, mental, or emotional harm, except with regard to medical care or treatment when the dependent person has expressed an intent to forgo such medical care or treatment. This does not create any new affirmative duty to provide support to dependent persons.

“Family or household members” include spouses, former spouses, parents, children, stepchildren and other persons related by blood or by present or prior marriage, persons who share or formerly shared a common dwelling, persons who have or allegedly have a child in common, persons who

share or allegedly share a blood relationship through a child, persons who have or have had a dating or engagement relationship, persons with disabilities and their personal assistants, and caregivers as defined in paragraph (3) of subsection (b) of section 12-12 of the Criminal Code of 1961. Neither a casual acquaintanceship nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute a dating relationship.

EXCEPTIONS

750 Ill. Comp. Stat. Ann. 60/103(1) (West, WESTLAW through 2002 P.A. 92-533)

Domestic violence does not include reasonable direction of a minor child by a parent or person *in loco parentis*.

INDIANA

DEFINITIONS

Ind. Code Ann. § 31-9-2-42 (West, WESTLAW through Ind. 2002 Legis. Serv., P.L. 133-2002)
[effective July 1, 2002]

“Domestic or family violence” means, except for an act of self defense, the occurrence of one or more of the following acts committed by a family or household member:

- Attempting to cause, threatening to cause, or causing physical harm to another family member without legal justification;
- Placing a family or household member in fear of physical harm without legal justification;
- Causing a family or household member to involuntarily engage in sexual activity by force, threat of force, or duress.

Ind. Code Ann. § 31-9-2-44.5 (West, WESTLAW through Ind. 2002 Legis. Serv., P.L. 133-2002)
[effective July 1, 2002]

“Family or household member” means:

- A person who is a current or former spouse;
- A person who is dating or has dated;
- A person who is engaged or has engaged in a sexual relationship;
- A person who is related by blood or adoption;
- A person who is related or was related by marriage;
- A person who has an established legal relationship or previously established a legal relationship:
 - As a guardian;
 - As a ward;
 - As a custodian;
 - As a foster parent; or
 - In a capacity similar to those listed above;
- A person who has a child in common; and
- A minor child of a person in a relationship described above.

EXCEPTIONS

Ind. Code Ann. § 31-9-2-42 (West, WESTLAW through Ind. 2002 Legis. Serv., P.L. 133-2002)

Domestic or family violence does not include acts of self-defense.

KENTUCKY

DEFINITIONS

Ky. Rev. Stat. Ann. § 403.720 (West, WESTLAW through 1998 Reg. Sess.)

“**Domestic violence and abuse**” means physical injury, serious physical injury, sexual abuse, assault, or the infliction of fear of imminent physical injury, serious physical injury, sexual abuse, or assault between family members or members of an unmarried couple.

“**Family member**” means a spouse, including a former spouse, a parent, a child, a stepchild, or any other person related by consanguinity or affinity within the second degree.

“**Member of an unmarried couple**” means each member of an unmarried couple who allegedly has a child in common, any children of that couple, or a member of an unmarried couple who are living together or have formerly lived together.

LOUISIANA

DEFINITIONS

La. Rev. Stat. Ann. § 9:362(3) (West, WESTLAW through 2001 Reg. & 2nd Ex. Sess.)

“**Family violence**” includes but is not limited to physical or sexual abuse and any offense against the person as defined in the Criminal Code of Louisiana, except negligent injuring and defamation, committed by one parent against the other parent or against any of the children.

La. Rev. Stat. Ann. § 46:2132(3)-(4) (West, WESTLAW through 2001 Reg. & 2nd Ex. Sess.)

“**Domestic abuse**” includes but is not limited to physical or sexual abuse and any offense against the person as defined in the Criminal Code of Louisiana, except negligent injury and defamation, committed by one family or household member against another. “Domestic abuse” also includes abuse of adults as defined in R.S. 14:403.2 when committed by an adult child or adult grandchild.

“**Family members**” means spouses, former spouses, parents and children, stepparents, stepchildren, foster parents, and foster children.

“**Household members**” means any person of the opposite sex presently or formerly living in the same residence with the defendant as a spouse, whether married or not, who is seeking protection under this Part. If a parent or grandparent is being abused by an adult child, adult foster child, or adult grandchild, the provisions of this Part shall apply to any proceeding brought in district court.

EXCEPTIONS

La. Rev. Stat. Ann. § 9:362(3) (West, WESTLAW through 2001 Reg. & 2nd Ex. Sess.)

Family violence does not include reasonable acts of self-defense utilized by one parent to protect himself or herself or a child in the family from the family violence of the other parent.

MAINE

DEFINITIONS

Me. Rev. Stat. Ann. tit. 19-A, § 4002(1), (4) (West, WESTLAW through 1999 1st Reg. Sess.)

“Abuse” means the occurrence of the following acts between family or household members or by a family or household member upon a minor child of a family or household member:

- Attempting to cause or causing bodily injury or offensive physical contact, including sexual assaults under Title 17-A, chapter 11;
- Attempting to place or placing another in fear of bodily injury through any course of conduct, including, but not limited to, threatening, harassing or tormenting behavior;
- Compelling a person by force, threat of force, or intimidation to engage in conduct from which the person has a right or privilege to abstain or to abstain from conduct in which the person has a right to engage;
- Knowingly restricting substantially the movements of another person without that person's consent or other lawful authority by:
 - Removing that person from that person's residence, place of business, or school;
 - Moving that person a substantial distance from the vicinity where that person was found;
 - or
 - Confining that person for a substantial period either in the place where the restriction commences or in a place to which that person has been moved;
- Communicating to a person a threat to commit, or to cause to be committed, a crime of violence dangerous to human life against the person to whom the communication is made or another, and the natural and probable consequence of the threat, whether or not that consequence in fact occurs, is to place the person to whom the threat is communicated, or the person against whom the threat is made, in reasonable fear that the crime will be committed; or
- Repeatedly and without reasonable cause:
 - Following the plaintiff; or
 - Being at or in the vicinity of the plaintiff's home, school, business, or place of employment.

“Family or household members” means spouses or former spouses, individuals presently or formerly living together as spouses, natural parents of the same child, adult household members related by consanguinity or affinity or minor children of a household member when the defendant is an adult household member and, for the purposes of this chapter only, includes individuals presently or formerly living together and individuals who are or were sexual partners. Holding oneself out to be a spouse is not necessary to constitute “living as spouses.”

MARYLAND

DEFINITIONS

Md. Code Ann. Fam. Law § 4-513 (Lexis, WESTLAW through 1999 Reg. Sess.)

“Victim of domestic violence” means an individual who has received deliberate, severe, and demonstrable physical injury, or is in fear of imminent deliberate, severe, and demonstrable physical injury from a current or former spouse, or a current or former cohabitant.

Md. Code Ann. Fam. Law § 4-501(b), (d) (Lexis, WESTLAW through 2001 Reg. Sess.)

“Abuse” means any of the following acts:

- An act that causes serious bodily harm;
- An act that places a person eligible for relief in fear of imminent serious bodily harm;
- Assault in any degree;
- Rape or sexual offense as defined by Article 27, §§ 462 through 464C of the Code or attempted rape or sexual offense in any degree; or
- False imprisonment.

If the person for whom relief is sought is a child, “abuse” may also include abuse of a child, as defined in Title 5, Subtitle 7 of this article.

“Cohabitant” means a person who has had a sexual relationship with the respondent and resided with the respondent in the home for a period of at least 90 days within one year before the filing of the petition.

EXCEPTIONS

Md. Code Ann. Fam. Law § 4-501(b) (Lexis, WESTLAW through 1999 Reg. Sess.)

“Abuse” does not include reasonable punishment, including reasonable corporal punishment, in light of the age and condition of the child, from being performed by a parent or stepparent of the child.

MASSACHUSETTS

DEFINITIONS

Mass. Gen. Laws. Ann. ch. 209A, § 1 (West, WESTLAW through 1999 1st Ann. Sess.)

“Abuse” means the occurrence of one or more of the following acts between family or household members:

- Attempting to cause or causing physical harm;
- Placing another in fear of imminent serious physical harm; or
- Causing another to engage involuntarily in sexual relations by force, threat, or duress.

“Family or household members” include persons who:

- Are or were married to one another;
- Are or were residing together in the same household;
- Are or were related by blood or marriage;
- Have a child in common regardless of whether they have ever married or lived together; or
- Are or have been in a substantive dating or engagement relationship, which shall be adjudged by district, probate, or Boston municipal courts consideration of the following factors:
 - The length of time of the relationship;

- The type of relationship;
- The frequency of interaction between the parties; and
- If the relationship has been terminated by either person, the length of time elapsed since the termination of the relationship.

MICHIGAN

DEFINITIONS

Mich. Comp. Laws Ann. § 400.1501(b), (d), (e) (West, WESTLAW through 2002 Reg. Sess.)

“Domestic violence” means the occurrence of any of the following acts by a person that is not an act of self-defense:

- Causing or attempting to cause physical or mental harm to a family or household member;
- Placing a family or household member in fear of physical or mental harm;
- Causing or attempting to cause a family or household member to engage in involuntary sexual activity by force, threat of force, or duress;
- Engaging in activity toward a family or household member that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed or molested.

“Family or household member” includes any of the following:

- A spouse or former spouse;
- An individual with whom the person resides or has resided;
- An individual with whom the person has or has had a dating relationship;
- An individual with whom the person is or has engaged in a sexual relationship;
- An individual with whom the person is related or was formerly related by marriage;
- An individual with whom the person has a child in common;
- The minor child of an individual described above.

“Dating relationship” means frequent, intimate associations primarily characterized by the expectation of affectional involvement. Dating relationship does not include a casual relationship or an ordinary fraternization between two individuals in a business or social context.

EXCEPTIONS

Mich. Comp. Laws Ann. § 400.1501(d) (West, WESTLAW through 2002 Reg. Sess.)

“Domestic violence” does not include an act of self-defense.

MINNESOTA

DEFINITIONS

Minn. Stat. Ann. § 518B.01 Subd. 2 (West, WESTLAW through 2001 1st Sp. Sess.)

“Domestic abuse” means the following, if committed against a family or household member by a family or household member:

- Physical harm, bodily injury, or assault;
- The infliction of fear of imminent physical harm, bodily injury, or assault; or
- Terroristic threats, within the meaning of § 609.713, subdivision 1, or criminal sexual conduct, within the meaning of §§ 609.342, 609.343, 609.344, or 609.345; or interference with an emergency call, within the meaning of § 609.78, subdivision 2.

“Family or household member” means:

- Spouses and former spouses;
- Parents and children;
- Persons related by blood;
- Persons who are presently residing together or who have resided together in the past;
- Persons who have a child in common regardless of whether they have been married or have lived together at any time;
- A man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and
- Person involved in a significant romantic or sexual relationship.

MISSISSIPPI

DEFINITIONS

Miss. Code Ann. § 93-21-3(a), (d), (e) (West, WESTLAW through End of 2001 2nd Ex. Sess.)

“Abuse” means the occurrence of one or more of the following acts between family or household members who reside together or who formerly resided together, or between individuals who have a current dating relationship:

- Attempting to cause or intentionally, knowingly, or recklessly causing bodily injury or serious bodily injury with or without a deadly weapon;
- Placing, by physical menace or threat, another in fear of imminent serious bodily injury; or
- Criminal sexual conduct committed against a minor within the meaning of § 97-5-23.

“Family or household member” means spouses, former spouses, persons living as spouses, parents and children, or other persons related by consanguinity or affinity.

“Dating relationship” means a social relationship of a romantic or intimate nature.

MONTANA

Mont. Code Ann. § 45-5-206(1)-(2) (WESTLAW through 2001 Reg. Sess.)

A person commits the offense of **partner or family member assault** if the person:

- Purposely or knowingly causes bodily injury to a partner or family member;
- Negligently causes bodily injury to a partner or family member with a weapon; or
- Purposely or knowingly causes reasonable apprehension of bodily injury in a partner or family member.

“Family member” means mothers, fathers, children, brothers, sisters, and other past or present

family members of a household. These relationships include relationships created by adoption and remarriage, including stepchildren, stepparents, in-laws, and adoptive children and parents. These relationships continue regardless of the ages of the parties and whether the parties reside in the same household.

“Partners” means spouses, former spouses, persons who have a child in common, and persons who have been or are currently in a dating or ongoing intimate relationship with a person of the opposite sex.

NEBRASKA

DEFINITIONS

Neb. Rev. Stat. § 42-903(1), (3) (WESTLAW through 1999 1st Reg. Sess.)

“Abuse” means the occurrence of one or more of the following acts between household members:

- Attempting to cause or intentionally, knowingly, or recklessly causing bodily injury with or without a deadly weapon; or
- Placing, by physical menace, another in fear of imminent bodily injury.

“Family or household member” includes spouses or former spouses, children, persons who are presently residing together or who have resided together in the past, persons who have a child in common whether or not they have been married or have lived together at any time, and other persons related by consanguinity or affinity.

NEVADA

Nev. Rev. Stat. Ann. § 33.018 (WESTLAW through 2001 Reg. Sess.)

“Domestic violence” occurs when a person commits one of the following acts against or upon his spouse, former spouse, any other person to whom he is related by blood or marriage, a person with whom he is or was actually residing, a person with whom he has had or is having a dating relationship, a person with whom he has a child in common, the minor child of any of those persons or his minor child:

- A battery;
- An assault;
- Compelling the other by force or threat of force to perform an act from which he has the right to refrain or to refrain from an act which he has the right to perform;
- A sexual assault;
- A knowing, purposeful or reckless course of conduct intended to harass the other. Such conduct may include, but is not limited to:
 - Stalking;
 - Arson;
 - Trespassing;
 - Larceny;
 - Destruction of private property;
 - Carrying a concealed weapon without a permit;
- A false imprisonment;

- Unlawful entry of the other's residence, or forcible entry against the other's will if there is a reasonably foreseeable risk of harm to the other from the entry.

“Dating relationship” means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

NEW MEXICO

DEFINITIONS

N.M. Stat. Ann. § 40-13-2(A), (C), (D) (Michie, WESTLAW through 2001 1st Reg. Sess.)

“Domestic abuse” means any incident by a household member against another household member resulting in:

- Physical harm;
- Severe emotional distress;
- Bodily injury or assault;
- A threat causing imminent fear of bodily injury by any household member;
- Criminal trespass;
- Criminal damage to property;
- Repeatedly driving by a residence or work place;
- Telephone harassment;
- Stalking;
- Harassment; or
- Harm or threatened harm to children.

“Household member” means a spouse, former spouse, family member, including a relative, parent, present or former stepparent, present or former in-law, child or co-parent of a child, or a person with whom the petitioner has had a continuing personal relationship. Cohabitation is not necessary to be deemed a household member for purposes of this section.

“Co-parents” means persons who have a child in common, regardless of whether they have been married or have lived together at any time.

NEW YORK

N.Y. Soc. Serv. Law § 459-a(1)-(2) (West, WESTLAW through L. 2002)

“Victim of domestic violence” means any person over the age of 16, any married person or any parent accompanied by his or her minor child or children in situations in which such person or such person's child is a victim of an act which would constitute a violation of the penal law, including, but not limited to acts constituting disorderly conduct, harassment, menacing, reckless endangerment, kidnapping, assault, attempted assault, or attempted murder; and:

- Such act or acts have resulted in actual physical or emotional injury or have created a substantial risk of physical or emotional harm to such person or such person's child; and
- Such act or acts are or are alleged to have been committed by a family or household member.

“Family or household members” mean the following individuals:

- Persons related by consanguinity or affinity;
- Persons legally married to one another;
- Persons formerly married to one another regardless of whether they still reside in the same household;
- Persons who have a child in common regardless of whether such persons are married or have lived together at any time;
- Unrelated persons who are continually or at regular intervals living in the same household or who have in the past continually or at regular intervals lived in the same household; or
- Any other category of individuals deemed to be a victim of domestic violence as defined by the Department in regulation.

NORTH CAROLINA

DEFINITIONS

N.C. Gen. Stat. § 50B-1 (West, WESTLAW through 2001 Reg. Sess.)

“Domestic violence” means the commission of one or more of the following acts upon an aggrieved party or upon a minor child residing with or in the custody of the aggrieved party by a person with whom the aggrieved party has or has had a personal relationship:

- Attempting to cause bodily injury, or intentionally causing bodily injury; or
- Placing the aggrieved party or a member of the aggrieved party's family or household in fear of imminent serious bodily injury or continued harassment, as defined G.S. 14-277.3, that rises to such a level as to inflict substantial emotional distress; or
- Committing any act defined in G.S. 14-27.2 through 14-27.7.¹¹

“Personal relationship” means a relationship wherein the parties involved:

- Are current or former spouses;
- Are persons of opposite sex who live together or have lived together;
- Are related as parents and children, including others acting *in loco parentis* to a minor child, or as grandparents and grandchildren;
- Have a child in common;
- Are current or former household members;
- Are persons of the opposite sex who are in a dating relationship or have been in a dating relationship. A dating relationship is one wherein the parties are romantically involved over time and on a continuous basis during the course of the relationship. A casual acquaintance or ordinary fraternization between persons in a business or social context is not a dating relationship.

EXCEPTIONS

N.C. Gen. Stat. § 50B-1(a) (Lexis, WESTLAW through 2001 Reg. Sess.)

“Domestic violence” does not include acts of self-defense.

¹¹ Rape and other sex offenses.

NORTH DAKOTA

DEFINITIONS

N.D. Cent. Code § 14-07.1-01 (Lexis, WESTLAW through 1999 Reg. Sess.)

“**Domestic violence**” includes physical harm, bodily injury, sexual activity compelled by physical force, assault, or the infliction of fear of imminent physical harm, bodily injury, sexual activity compelled by physical force, or assault, not committed in self-defense, on the complaining family or household members.

“**Family or household member**” means a spouse, family member, former spouse, parent, child, persons related by blood or marriage, persons who are in a dating relationship, persons who are presently residing together or who have resided together in the past, persons who have a child in common regardless of whether they are or have been married or have lived together at any time, and, for the purpose of the issuance of a domestic violence protection order, any other person with a sufficient relationship to the abusing person as determined by the court under § 14-07.1-02.

EXCEPTIONS

N.D. Cent. Code § 14-07.1-01 (Lexis, WESTLAW through 1999 Reg. Sess.)

“**Domestic violence**” includes physical harm, bodily injury, sexual activity compelled by physical force, assault, or the infliction of fear of imminent physical harm, bodily injury, sexual activity compelled by physical force, or assault, **not committed in self-defense**, on the complaining family or household members.

OHIO

DEFINITIONS

Ohio Rev. Code Ann. § 3113.31(A) (1), (3), (4) (West, WESTLAW through 2000 Files 124, 128, 129, 131 to 133, & 135 to 248)

“**Domestic violence**” means the occurrence of one or more of the following acts against a family or household member:

- Attempting to cause or recklessly causing bodily injury;
- Placing another person by the threat of force in fear of imminent serious physical harm or committing a violation of §§ 2903.211¹² or 2911.211¹³ of the Revised Code;
- Committing any act with respect to a child that would result in the child being an abused child, as defined in § 2151.031 of the Revised Code.

“**Family or household member**” means any of the following:

- Any of the following who is residing with or has resided with the respondent:
 - A spouse, a person living as a spouse, or a former spouse of the respondent;

¹² Menacing by stalking.

¹³ Aggravated trespass.

- A parent or a child of the respondent, or another person related by consanguinity or affinity to the respondent;
- A parent or a child of a spouse, person living as a spouse, or former spouse of the respondent, or another person related by consanguinity or affinity to a spouse, person living as a spouse, or former spouse of the respondent.
- The natural parent of any child of whom the respondent is the other natural parent or is the putative other natural parent.

“Person living as a spouse” means a person who is living or has lived with the respondent in a common law marital relationship, who otherwise is cohabiting with the respondent, or who otherwise has cohabited with the respondent within five years prior to the date of the alleged occurrence of the act in question.

OKLAHOMA

Okla. Stat. Ann. tit. 21, § 644(C) (West, WESTLAW through 2001 1st Ex. Sess.)

Any person who commits any assault and battery against a current or former spouse, a present spouse of a former spouse, parents, foster parent, a child, a person otherwise related by blood or marriage, a person with whom the defendant is in a dating relationship as defined by § 60.1 of Title 22 of the Oklahoma statutes, an individual with whom the defendant has had a child, a person who formerly lived in the same household as the defendant, or a person living in the same household as the defendant shall be guilty of **domestic abuse**.

PENNSYLVANIA

DEFINITIONS

23 Pa. Cons. Stat. Ann. § 6102(a) (West, WESTLAW through 2001 Reg. Sess.)

“Abuse” means the occurrence of one or more of the following acts between family or household members, sexual or intimate partners, or persons who share biological parenthood:

- Attempting to cause or intentionally, knowingly, or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault, or incest with or without a deadly weapon;
- Placing another in reasonable fear of imminent serious bodily injury;
- The infliction of false imprisonment pursuant to 18 Pa. Cons. Stat. Ann. § 2903 (relating to false imprisonment);
- Physically or sexually abusing children, including such terms as defined in Chapter 63 (relating to child protective services);
- Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury.

“Family or household member” includes spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners, or persons who share biological parenthood.

RHODE ISLAND

DEFINITIONS

R.I. Gen. Laws § 15-15-1(2)-(5) (WESTLAW through 2001 Reg. Sess.)

“Domestic abuse” means the occurrence of one or more of the following acts between present or former family members, parents, stepparents, or persons who are or have been in a substantive dating or engagement relationship within the past one year in which at least one of the persons is a minor:

- Attempting to cause or causing physical harm;
- Placing another in fear of imminent serious physical harm;
- Causing another to engage involuntarily in sexual relations by force, threat of force, or duress.

“Parents” means persons who together are the legal parents of one or more children, regardless of their marital status or whether they have lived together at any time.

“Present or former family member” means the spouse, former spouse, minor children, stepchildren, or persons who are related by blood or marriage.

“Substantive dating” or “engagement relationship” means a significant and personal/intimate relationship which shall be adjudged by the court's consideration of the following factors:

- The length of time of the relationship;
- The type of relationship;
- The frequency of interaction between the parties.

SOUTH CAROLINA

DEFINITIONS

S.C. Code Ann. § 20-4-20(a), (b) (WESTLAW through 1999 Reg. Sess. & Ex. Sess.)

“Abuse” means:

- Physical harm, bodily injury, assault, or the threat of physical harm;
- Sexual criminal offenses, as otherwise defined by statute, committed against a family or household member by a family or household member.

“Household member” means spouses, former spouses, parents and children, persons related by consanguinity or affinity within the second degree, persons who have a child in common, and a male and female who are cohabiting or formerly have cohabited.

SOUTH DAKOTA

DEFINITIONS

S.D. Codified Laws § 25-10-1(1), (2) (WESTLAW through 2000 Reg. Sess.)

“Domestic abuse” means physical harm, bodily injury, or attempts to cause physical harm or bodily injury or the infliction of fear of imminent physical harm or bodily injury between family or household members.

“Family or household members” means spouses, former spouses or persons related by consanguinity, adoption or law, persons living in the same household, persons who have lived together, or persons who have had a child together.

TENNESSEE

DEFINITIONS

Tenn. Code Ann. § 36-3-601(3) (WESTLAW through 2001 Reg. Sess.)

“Domestic abuse” means inflicting or attempting to inflict physical injury on an adult or minor by other than accidental means, placing an adult or minor in fear of physical harm, physical restraint, or malicious damage to the personal property of the abused party.

TEXAS

DEFINITIONS

Tex. Fam. Code Ann. § 71.004 (West, WESTLAW through 2001 Reg. Sess.)

“Family violence” means:

- An act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault; or
- Abuse, as that term is defined by § 261.001(C), (E), (G) by a member of a family or household toward a child of the family or household;
- Dating violence, as that term is defined by § 71.0021.

Tex. Fam. Code Ann. § 71.003 (West, WESTLAW through 2001 Reg. Sess.)

“Family” includes individuals related by consanguinity or affinity, as determined under §§ 573.022 and 573.024, Government Code, individuals who are former spouses of each other, individuals who are the parents of the same child, without regard to marriage, and a foster child and foster parent, without regard to whether those individuals reside together.

Tex. Fam. Code Ann. § 71.005 (West, WESTLAW through 1999 Reg. Sess.)

“Household” means a unit composed of persons living together in the same dwelling, without regard to whether they are related to each other.

Tex. Fam. Code Ann. § 71.006 (West, WESTLAW through 1999 Reg. Sess.)

“Member of a household” includes a person who previously lived in a household.

EXCEPTIONS

Tex. Fam. Code Ann. § 71.004 (West, WESTLAW through 2001 Reg. Sess.)

Family violence does not include defensive measures to protect oneself.

UTAH

Utah Code § 30-6-1(1)-(3) (Lexis, WESTLAW through 2001 1st Spec. Sess.)

“Abuse” means attempting to cause, or intentionally or knowingly causing to an adult or minor physical harm or intentionally placing another in fear of imminent physical harm.

“Cohabitant” means an emancipated person pursuant to § 15-2-1 or a person who is 16 years of age or older who:

- Is or was a spouse of the other party;
- Is or was living as if a spouse of the other party;
- Is related by blood or marriage to the other party;
- Has one or more children in common with the other party;
- Is the biological parent of the other party’s unborn child; or
- Resides or has resided in the same residence as the other party.

Notwithstanding the subsection above, “cohabitant” does not include:

- The relationship of natural parent, adoptive parent, or stepparent to a minor; or
- The relationship between natural, adoptive, step, or foster siblings who are under 18 years of age.

Utah Code § 76-5-109.1(1)-(2) (West, WESTLAW through Utah 2002 Legis. Serv., Ch. 81)

“Cohabitant” has the same meaning as defined in § 30-6-1.

“Domestic violence” has the same meaning as in § 77-36-1.

“In the presence of a child” means:

- In the physical presence of a child; or
- Having knowledge that a child is present and may see or hear an act of domestic violence.

A person is guilty of **child abuse** if the person:

- Commits or attempt to commits criminal homicide, as defined in § 76-5-201, against a cohabitant in the presence of a child; or
- Intentionally causes serious bodily injury to a cohabitant or uses a dangerous weapon, or other means of force likely to produce death or serious bodily injury against a cohabitant, in the presence of a child; or
- Under circumstances not amounting to a violation of the subsections above, commits an act of domestic violence in the presence of a child.

Utah Code § 77-36-1 (West, WESTLAW through Utah 2002 Legis. Serv., Ch. 81)

“**Cohabitant**” has the same meaning as in § 30-6-1.

“**Domestic violence**” means any criminal offense involving violence or physical harm or threat of violence or physical harm, or any attempt, conspiracy, or solicitation to commit a criminal offense involving violence or physical harm, when committed by one cohabitant against another. “Domestic violence” also means commission or attempt to commit, any of the following offenses by one cohabitant against another:

- Aggravated assault, as described in § 76-5-103;
- Assault, as described in § 76-5-102;
- Criminal homicide, as described in § 76-5-201;
- Harassment, as described in § 76-5-106;
- Telephone harassment, as described in § 76-9-201;
- Kidnapping, child kidnapping, or aggravated kidnapping, as described in §§ 76-5-301, 76-5-301.1, and 76-5-302;
- Mayhem, as described in § 76-5-105;
- Sexual offense, as described in Title 76, Chapter 5, Part 4, and Title 76, Chapter 5a;
- Stalking, as described in § 76-5-106.5;
- Unlawful detention, as described in § 76-5-304;
- Violation of a protective order or *ex parte* protective order, as described in § 76-5-108;
- Any offense against property described in Title 76, Chapter 6, Part 1, 2, or 3;
- Possession of a deadly weapon with intent to assault, as described in § 76-10-507;
- Discharge of a firearm from a vehicle, near a highway, or in the direction of any person, building, or vehicle, as described in § 76-10-508;
- Disorderly conduct, as defined in § 76-9-102, if a conviction of disorderly conduct is the result of a plea agreement in which the defendant was originally charged with any of the domestic violence offenses otherwise described in this subsection. Conviction of disorderly conduct as a domestic violence offense, in the manner described in this subsection, does not constitute a misdemeanor crime of domestic violence under 18 U.S.C. 921, and is exempt from the provisions of the Federal Firearms Act; or
- Child abuse as described in § 76-5-109.1.

“**Victim**” means a cohabitant who has been subjected to domestic violence.

VERMONT

DEFINITIONS

Vt. Stat. Ann. tit. 15, § 1101(1), (2) (WESTLAW through 2001 Reg. Sess.)

“**Abuse**” means the occurrence of one or more of the following acts between family or household members:

- Attempting to cause or causing physical harm;
- Placing another in fear of imminent serious physical harm;
- Abuse to children as defined in subchapter 2 of chapter 49 of Title 33.

“Household members” means persons who, for any period of time, are living or have lived together, are sharing or have shared occupancy of a dwelling, are engaged in or have engaged in a sexual relationship, or minors or adults who are dating or who have dated.

“Dating” means a social relationship of a romantic nature. Factors that the court may consider when determining whether a dating relationship exists or existed include:

- The nature of the relationship;
- The length of time the relationship has existed;
- The frequency of interaction between the parties;
- The length of time since the relationship was terminated, if applicable.

VIRGINIA

DEFINITIONS

Va. Code Ann. § 16.1-228 (Lexis, WESTLAW through 1999 Reg. Sess.)

“Family abuse” means any act involving violence, force, or threat, including any forceful detention, which results in physical injury or places one in reasonable apprehension of serious bodily injury and which is committed by a person against such person's family or household member.

“Family or household member” means:

- The person's spouse, whether or not he or she resides in the same home with the person;
- The person's former spouse, whether or not he or she resides in the same home with the person;
- The person's parents, stepparents, children, stepchildren, brothers, sisters, grandparents and grandchildren, regardless of whether such persons reside in the same home with the person;
- The person's mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person;
- Any individual who has a child in common with the person, whether or not the person and that individual have been married or have resided together at any time, or;
- Any individual who cohabits or who, within the previous 12 months, cohabited with the person, and any children of either of them then residing in the same home with the person.

WASHINGTON

DEFINITIONS

Wash. Rev. Code Ann. § 26.50.010(1)-(3) (West, WESTLAW through 1999 1st Spec. Sess.)

“Domestic violence” means:

- Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members;
- Sexual assault of one family or household member by another; or
- Stalking as defined in RCW 9A.46.110 of one family or household member by another family or household member.

“Family or household members” means spouses, former spouses, persons who have a child in common regardless of whether they have been married or have lived together at any time, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past, persons 16 years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship, persons 16 years of age or older with whom a person 16 years of age or older has or has had a dating relationship, and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

“Dating relationship” means a social relationship of a romantic nature. Factors that the court may consider in making this determination include:

- The length of time the relationship has existed;
- The nature of the relationship; and
- The frequency of interaction between the parties.

WEST VIRGINIA

DEFINITIONS

W. Va. Code § 48-27-202 (West, WESTLAW through 2001 6th Ex. Sess.)

“Domestic violence” or “abuse” means the occurrence of one or more of the following acts between family or household members, as that term is defined in § 48-27-204:

- Attempting to cause or intentionally, knowingly or recklessly causing physical harm to another with or without dangerous or deadly weapons;
- Placing another in reasonable apprehension of physical harm;
- Creating fear of physical harm by harassment, psychological abuse or threatening acts;
- Committing either sexual assault or sexual abuse as those terms are defined in articles 8b and 8d, chapter 61 of this code; and
- Holding, confining, detaining or abducting another person against that person's will.

W. Va. Code § 48-27-204 (West, WESTLAW through W. Va. 2002 Legis. Serv., Ch. 102)

“Family or household member” means persons who:

- Are or were married to each other;
- Are or were living together as spouses;
- Are or were sexual or intimate partners;
- Are or were dating, provided that a casual acquaintance or ordinary fraternization between persons in a business or social context does not establish a dating relationship;
- Are or were residing together in the same household;
- Are or were related by marriage or related by consanguinity within the second degree;
- Have a child in common, regardless of whether they have ever married or lived together; or
- Have the following relationships to another person:
 - Parent;
 - Stepparent;
 - Brother or sister;
 - Half-brother or half-sister;

- Stepbrother or stepsister;
- Father-in-law or mother-in-law;
- Stepfather-in-law or stepmother-in-law;
- Child or stepchild;
- Daughter-in-law or son-in-law;
- Stepdaughter-in-law or stepson-in-law;
- Grandparent;
- Step grandparent;
- Aunt, aunt-in-law or step aunt;
- Uncle, uncle-in-law or step uncle;
- Niece or nephew;
- First or second cousin; or
- Have the relationships set forth above to a family or household member.